

Rhode Island Statewide Planning Program

One Capitol Hill, Providence, RI 02908
401-222-7901 www.planning.state.ri.us



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Quarterly Progress Report

Zoning Amendments and Local Comprehensive Plan Consistency

Background

Section 45-22.2-13(C) of the *Rhode Island Comprehensive Planning and Land Use Regulation Act* requires that:

“...all land use decisions by municipalities shall be in conformance with the approved municipal comprehensive plan” and “For municipalities with municipally adopted comprehensive plans which have not received state approval pursuant to this chapter, such municipalities shall conform their land use decisions to the locally adopted comprehensive plan until such time as state approval is granted.”

Section 45-24-52 of the *Local Zoning Enabling Act* requires that all proposed zoning changes be referred to the Planning Board for study and recommendation and that the Board include in its findings and recommendations to the City or Town Council...

“...a statement on the consistency of the proposal with the comprehensive plan, including the goals and policies statement, the implementation program and all other applicable elements...”

This language is reinforced by requirements in Section 45-24-34 of the *Act*, which state in part:

“A zoning ordinance adopted or amended pursuant to this chapter shall include a statement that the zoning ordinance is consistent with the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title, or as otherwise provided below and shall provide that in the instance of uncertainty in the construction or application of any section of the ordinance, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the comprehensive plan.”

It has come to the attention of the Program that some municipal ordinance changes which do not conform to the applicable local Comprehensive Plan may have occurred either without an accompanying amendment to assure consistency with the local Comprehensive Plan, or without submission of such amendments to the State for review and approval. In the interest of assuring that all have a common understanding of the requirements of State law relative to the required consistency between local land use decisions and the local Comprehensive Plan, Statewide Planning recently issued a Guidance Memo to local officials involved in the planning and land management process. The guidance provided is reproduced here.

Guidance

When considering land management regulatory changes (i.e., map or ordinance changes), at a minimum, municipalities should insure that the zoning action does not conflict with applicable goals and policies of the adopted Comprehensive Plan, and generally conforms to the land use categories, uses, and intensities prescribed in the Land Use Element and on the Future Land Use Map for the area(s) affected. Operationally, this requires that proposed amendments to municipal zoning ordinances (including the zoning map) which do not conform to the municipal goals and land use policy, as expressed in the adopted Land Use Element Future Land Use Map and other applicable components of the Comprehensive Plan (whether or not State-approved), be preceded by an amendment to the Comprehensive Plan effecting changes necessary to insure conformance of the proposed change to the zoning ordinance/map. Such amendments must include supporting analysis justifying the change in municipal land use policy for the affected area,

and identifying how changed circumstances necessitate the proposed change in policy. Note that, in addition to the Land Use Element, amendment of other Comprehensive Plan Elements (Goals and Policies, Facilities and Services, Circulation, Implementation, etc.) may also be necessitated in order to maintain consistency between these elements and the amended Land Use Element.

Adoption Process

Amendments to the Comprehensive Plan should be developed and adopted in accordance with procedures established by Section 45-22.2-8 of the *Comprehensive Planning and Land Use Regulation Act* for preparation and adoption of the Comprehensive Plan. The Act requires municipalities to designate the Planning Board or Commission as having “the sole authority” for preparing a comprehensive plan for the municipality. Public hearings are required to be held by the Planning Board or Commission and the municipal legislative body prior to adoption of Comprehensive Plans or amendment. Adoption of plans and amendments thereto must be in the manner provided for adoption of ordinances in the legislative or home rule charter of the municipality, except that a summary of the Plan or amendment may be published in a newspaper of general circulation in lieu of the entire Plan or amendment.

Section 45-22.2-12(C) of the *Comprehensive Planning and Land Use Regulation Act* limits comprehensive plan amendments to four (4) per calendar year.

State Review & Timing Considerations

While it may appear expedient to combine or parallel-track local approval of proposed Comprehensive Plan amendments along with local approval of the zoning ordinance or map changes they are designed to accommodate, municipalities are reminded that, pursuant to RIGL 45-22.2-12(A), State review of amendments to local Comprehensive Plans is required. The State review process for amendments of a local comprehensive plan may take up to 165 days if only one or two elements are affected, and up to 255 days if three or more elements are affected.

While amendments become effective upon local adoption as a basis for local land use decisions, municipalities should be aware that they proceed at their own risk relative to land use regulatory changes for which the State review process of the supporting Comprehensive Plan amendment has not been successfully concluded.

Locally-adopted amendments to a local Comprehensive Plan which has not obtained initial State approval, can only be accepted for review by the State as part of revisions to the original plan.

This will necessitate inclusion with the amendment, of all other revisions needed to address outstanding comments by state agencies, and will re-initiate the review process time frame. State approval of amendments to a Local Comprehensive Plan that does not have initial State approval will not be separately granted. State approval cannot be granted for part of a plan, as a plan must be an integrated, unified and internally consistent document. State approval of amendments to unapproved or expired plans will only be granted as part of the State's approval of the overall plan or update.

In cases of amendments to local plans whose initial State approval has expired and for which an update has not been submitted to the State, the State cannot accept amendments for review unless they are integral to, or accompanied by the required Five Year Update documentation.

Further Information may be obtained by contacting the R.I. Statewide Planning Program.

R.I. Statewide Planning Program
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Committee Actions

STATE PLANNING COUNCIL

The Council met in twice in January and then again in March. They approved amendments to the scoring criteria for projects subject to the priority rating system of the Comprehensive Economic Development Strategy. They also approved a staff advisory opinion requested by the Energy Facility Siting Board on the relocation of a 115kV transmission line by the Narragansett Electric Company. This project is required by the I-195 realignment. The Council accepted for a public hearing amendments to the Rivers Policy and Classification Plan and approved a major amendment to the Transportation Improvement Program.

TECHNICAL COMMITTEE

The Committee met in January, February and March. They received an update of the Land Use Policies and Plan. The Committee also received briefings local population projections as well as GIS standards for parcel based systems. The Committee began consideration of proposed amendments to the Handbook on the Local Comprehensive Plan that would include criteria for the designation of growth centers. The Committee took action on the Rivers Policy and Plan by recommending proposed amendments to the State Planning Council.

GROWTH PLANNING COUNCIL

The Governor's Growth Planning Council is charged with examining the impacts of the state's current development patterns, evaluating the effect of state programs on sustainable development, recommending means to encourage sustainable development and fostering partnerships to build local capacity to manage growth. Statewide Planning is providing staff support to the Council.

The Council met in January and focused on growth centers and vacant property. They received reports on the two projects designated as pilot growth centers: one in Burrillville and the other in East Providence. They also endorsed actions calling for the State Planning Council to amend their regulations governing local comprehensive plans to include criteria for growth centers as well as a resolution to create a technical assistance team to work with communities interested in the growth centers concept. The Council also received a report from a subcommittee on vacant and abandoned properties.

Transportation Advisory Committee

- Approved the TAC meeting schedule for 2004. The schedule for the rest of the year is as follows:

January 22, 2004

RI Dept. of Environmental Management, Rm. 300
235 Promenade St., Providence

February 26, 2004

Blackstone Valley Visitor Center
75 Main St., Pawtucket

March 25, 2004

RI Public Transit Authority (RIPTA)
269 Melrose St., Providence

April 22, 2004

Dept. of Environmental Management, Rm. 300
235 Promenade St., Providence

May 20, 2004

Rhode Island College, Roberts Hall
Board of Governor's Room, Providence

June 24, 2004

In Newport, Rhode Island (place to be scheduled)

July 22, 2004

AAA Southern New England
110 Royal Little Drive, Providence

August 26, 2004

Audubon Society of Rhode Island
12 Sanderson Rd., Smithfield

September 23, 2004

RI Dept. of Environmental Management, Rm. 300
235 Promenade St., Providence

October 28, 2004

East Greenwich Town Hall
125 Main St., East Greenwich

November 18, 2003

Providence Foundation
30 Exchange St., Providence

No Meeting in December

- Held a Public Hearing on TIP Amendment #4.

Transportation

TRANSPORTATION PLAN UPDATE

The Transportation Advisory Committee and the Statewide Planning staff are now fully engaged in the update of the 2001 Transportation Plan. The following six focus groups held a total of 18 meetings during the winter to review policies and strategies in the existing plan, recommend new policies and strategies, and (for the first time) establish performance measures:

- Congestion and Intelligent Transportation Systems
- Environment and Land Use
- Freight / Northeast Corridor
- Safety
- Security
- Transit and Urban Transportation

TAC members were divided among the six groups, and served as chairs. A staff member from the transportation unit of Statewide Planning was assigned to each group.

We were joined in this effort by representatives of many state and federal agencies, volunteers from cities and towns, and members of interest groups and the private sector. This led to a series of rich and informative meetings and a highly productive exchange of ideas. Our thanks to all who participated.

In another effort to provide opportunities for public input, a survey instrument has been developed with the assistance of URI's Community Planning Program. This survey was mailed to a random sample of 2000 households in RI and was made available on our website. Survey results will be presented in the next quarterly report.

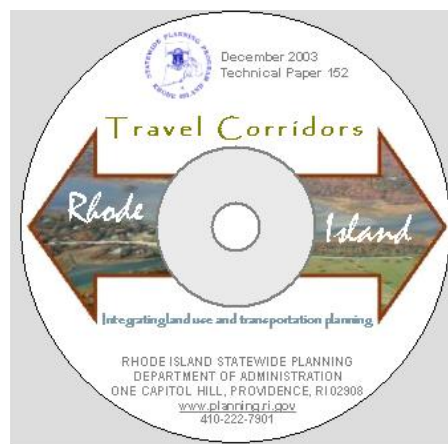
TRANSPORTATION IMPROVEMENT PROGRAM (TIP) –AMENDMENTS

Amendment #4 to the TIP was approved by the State Planning Council on March 12, 2004. This amendment provides for increased funding of some projects, adds 2 new projects (Federal Road in Barrington and Avenue of the Arts in Providence) and restructures GARVEE debt service to reflect lower interest rates.

Administrative Adjustment #5 to the TIP was approved on February 26, 2004. This simply carries forward unused funds in the CMAQ Program from 2002.

TRAVEL CORRIDOR PLANNING INITIATIVE

Technical Paper 152, which documents the study completed last fall, is now available on CD. Please call Pat Greene at 401-222-7901 for a copy. It can also be viewed at <http://www.planning.ri.gov/transportation/enter.htm>.



2000 CENSUS DATA FOR TRANSPORTATION PLANNING

Technical Paper 153 is now available in standard report format by calling *Mark Brown* 222-6183 and can also be found on our website www.planning.ri.gov/transportation/153pdf/TP153.htm

Walkable Community Workshops Program: May 24 – May 28

Rhode Island Statewide Planning Program will be holding a series of walkable community workshops in the following eight communities: Providence, Pawtucket, East Providence, Warwick, West Warwick, Middletown, Portsmouth, and Burrillville. The Rhode Island Statewide Planning Program was one of twelve MPOs selected across the country by the National Center for Bicycling and Walking (NCBW) (www.bikewalk.org) to host the workshops, sponsored in part by The Robert Wood Johnson Foundation. The purpose of the workshops (sometimes referred to as "pedestrian road shows") is to make neighborhoods and communities more pedestrian-friendly and walkable. The half-day sessions are designed for professionals in the fields of planning, engineering,

Transportation

law enforcement, public health, historic preservation and education, as well as for elected officials, businesses, neighborhood groups and citizens. The session includes a walking audit of an area in the city or town, and presentations by trainers from the National Center for Bicycling and Walking. Successes from other states have included implementation of new traffic calming programs; revitalized main streets; more pedestrian-friendly intersections; new, accessible sidewalks; and safe routes to school programs. ***Most importantly, we hope it will lead to more people walking and bicycling!***

The schedule includes morning and afternoon workshop sessions:

- **Monday, May 24, Afternoon:** Pawtucket (Downtown Loop)
- **Tuesday, May 25, Morning:** Warwick (Apponaug area around City Hall)

- **Tuesday, May 25, Afternoon:** East Providence (Phillipsdale area near the Waterfront Project)
- **Wednesday, May 26, Morning:** Providence (Smith Street area)
- **Wednesday, May 26, Afternoon:** Middletown (2 Mile Corner to Valley Rd.)
- **Thursday, May 27, Morning:** West Warwick (Arctic area)
- **Thursday, May 27, Afternoon:** Burrillville (Pascoag village)
- **Friday, May 28, Morning:** Portsmouth (East Main Rd. by Town Hall)

To confirm the workshop dates, times, and locations, please contact *Ronnie Sirota* at *Statewide Planning* (222-1233) or *rsirota@doa.state.ri.us*. The complete schedule, with times and meeting locations, will be posted on RI Statewide Planning's website at www.planning.ri.gov. Please confirm your attendance with the local coordinators who will be listed on our website or with Ronnie Sirota.

Comprehensive Plans

The first quarter of 2004 was highlighted by the State approval of the Comprehensive Community Plans for Exeter, Hopkinton, and Warren. As of the date of this Report, 35 of Rhode Island's 39 cities and towns now have State approved local comprehensive plans. In addition to the receipt of their Certificates of Approval, these towns also received packages for requesting the remainder of their Comprehensive Planning Grant funds. The State approval for the Five-Year Update of the Jamestown Comprehensive Plan is imminent.

Following the State's initial review, the Director of the Department of Administration sent "Letters of Deficiency" to the communities of Cumberland, East Greenwich, and Scituate regarding their respective Five-Year Updates. Statewide Planning Program staff met with officials from East Greenwich and Newport concerning their proposed revisions to their Five-Year Updates.

Local comprehensive plan documents presently under State review include: revisions to the Town of West Warwick's Comprehensive Plan; amendments to the Comprehensive Plans for Middletown (MID 03-1), Smithfield (SMI 04-1), and South Kingstown (SK 02-1 & SK 03-1); Five-Year Updates for Foster, Lincoln, Middletown, Narragansett, and Pawtucket; and revisions to both the Cumberland and Newport Five-Year Updates.

Staff provided the "Making Better Land Use Decisions" Training Program for the Town of Middletown and the Comprehensive Plan Review Training Program for the Department of Environmental Management.

RI Census

The Rhode Island State Data Center welcomes nine new members to its Affiliates program, expanding the network to twenty public and academic libraries located in fifteen communities throughout the state. The State Data Center program is a state-federal cooperative designed to provide a network of Affiliate agencies where the public can easily and conveniently access information produced by the U.S. Census Bureau. Affiliate agencies provide localized access to census data and data products and are the link between the federal and state umbrella organizations and most individual data users. The Rhode Island State Data Center is the official state

source of demographic, economic, and social statistics produced by the U.S. Census Bureau. For a listing of Affiliate agencies, contact Mark G. Brown at mbrown@planning.state.ri.us.

Housing

Rhode Island Statewide Planning is the designated entity charged with the responsibility of serving as clearinghouse for the annual certification of compliance with Section 1616(e) of the Social Security Act (Keys Amendment).



The purpose of this statute is to assure the development of State standards for safe and appropriate residential settings as an alternative to institutional living for Supplemental Security Income (SSI) recipients, limit the use of SSI funds for substandard facilities, and publicize the standards and enforcement procedures for these facilities as a means of involving the public in monitoring the standards.

Statewide Planning completed certification procedures and has received confirmation of compliance for FY 2004 from the Social Security Administration.

Land Use

Remote Sensing Grant

Statewide Planning and RIGIS, in partnership with URI, have been awarded a grant to analyze land cover and measure impervious surface in southern Rhode Island with remotely sensed satellite images. The Institute for the Application of Geospatial Technology awarded the grant to Statewide Planning. Nancy Hess and Christina Delage will coordinate the project with Dr. W.Q. Wang, Director of the Laboratory for Terrestrial Remote Sensing at URI, whose staff will conduct the study.

Grant funds will be used to enhance the Rhode Island Geographic Information System by the addition of satellite imagery and remote sensing tools. The project will also develop a demonstration model for statistical and graphic comparison of land cover data from the new imagery. The project will compare the new satellite images with existing land use RIGIS data to identify and quantify landscape characteristics related to impervious surface in a targeted area.

Rivers Plan Update

The Rhode Island Rivers Council, with assistance from Kevin Nelson, completed its draft of amendments to the Rivers Policy and Classification Plan. The amendments are primarily to incorporate coastal waters into the Plan and to utilize the national standards of hydrologic units classifications as the basis for identifying watersheds. The State Planning Council accepted the amendments which will go to a public hearing prior to final approval.

The Rivers Council solicited applications for Watershed Council designations in January and received two responses – for the Buckeye Brook Coalition, in Warwick, and the Salt Ponds Coalition. Final determination is scheduled for May. The Council also began a new 2004 grant program which reserved \$6,000 each for the seven Watershed Councils, pending agreements on funding use.

GRAPHICS

During the months of first quarter 2004, 99 aerial photographs and/or maps were loaned to 27 state agencies, local governments, and private parties.

Graphics work was provided to the Building Commissioner's Office the Division of Human Resource, Office of Municipal Affairs, Buildings and Grounds, the Office of Health & Safety and the Council for the Arts..

Rhode Island Geographic Information System



The RIGIS Executive Committee held a quarterly meeting in March. Items discussed at the included an update on the RI Emergency Management Agency (RI EMA) and the Federal Emergency Management Agency (FEMA) efforts to update the Flood Insurance Rate Maps, a briefing from the USGS representative on federal programs for access to geospatial data, a review of state reorganization plans for moving the RIGIS Coordinator to the Office of the Chief Information Officer, and an introduction to a document for a five year strategic plan for the RIGIS.

The RIGIS coordinator participated in workshops and seminars for of the Rhode Island

Oil Spill Response team, the Governor's Committee on Narragansett Bay, and the Commission to define the Rhode Island and Connecticut state line. The coordinator worked with the RIGIS subcommittee and URI in the effort to improve data access on the web. Mapping and technical support was provided to the Coast Guard Providence Marine Safety Office, The RI Emergency Management Agency, and the Town of Burrillville.

Continuing GIS analysis and mapping support was provided to the Land Use Section, Economic Development, Transportation sections of Statewide Planning. Additional work was done for the Rhode Island Rivers Council, State Data Center (Census), and Governor's Fiscal Fitness Program.

The RIDOT/RIGIS project to obtain new (spring of 2003) orthophotography for the state was delayed do to deficiencies in the images as received from the consultant. A reflight of a major portion of western Rhode Island will be necessary, and is scheduled for April 2004. Delivery of the orthophotos is not expected until the fall of 2004.

A CDROM product including scanned historical aerial photography for 1988 was produced through the efforts of a student intern from Rhode Island College. The CD is now available from the RIGIS Coordinator, and it is expected the digital images will also be available on the RIGIS web site at URI in the near future.

Economic Development

In March, the Economic Development Section began soliciting projects for the 2004 Comprehensive Economic Development Strategy (CEDS) Priority Project List. Twenty-eight eligible applicants indicated their interest. The proposal deadline is Friday, May 14, at 4:00 p.m.

A CEDS workshop featuring Mr. Tyrone L. Beach from the Philadelphia office of the Economic Development Administration (EDA) will be held on Wednesday, April 14, at 10:00 a.m. in Conference Room B of the Dept. of Administration Building, opposite the State

House in Providence. Mr. Beach will discuss funding availability, eligibility and other CEDS issues from the EDA's perspective and will respond to participants' questions. Further information is available from the Statewide Planning Program website or by calling Bruce Vild (222-6485) or Joyce Karger (222-6181) of the Economic Development Section.

The State Planning Council approved the staff's report to the Energy Facility Siting Board regarding the relocation of transmission lines to accommodate the rebuilding of I-195 between I-95 and the Washington Bridge.

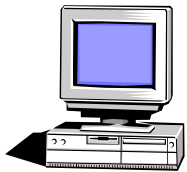
Intergovernmental Review

- 0 proposals pending from last quarter
- 32 proposals received this quarter
- 30 proposals acted on by staff and reviewing agencies (closed)

Review of EDC projects

- 5 proposals received this quarter
- 5 proposals acted on by staff and reviewing agencies (closed)
- 3 proposals pending

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WEB SITE UPDATE

(<http://www.planning.ri.gov>)

Work on the Statewide Planning Program's website this quarter included:

- Posting of the Narragansett Comprehensive Plan, Smithfield Affordable Housing Plan, Lincoln Comprehensive Plan and the Foster 5-Year Update for review.
- Posting of Technical Paper 153, 2000 Census Data for Transportation Planning.
- Posting of Transportation Improvement Plan Amendments.
- posting of the Rivers Policy and Classification Plan Update for Review.
- Posting of the Intergovernmental Review project listings.
- Posting of State Planning Council, Technical Committee, Rivers Council, Growth Planning Council, and Transportation Advisory Committee's Calendar and Agendas.
- Posting of monthly newsletter.
- Posting of quarterly report

Web support was also provided to the Information Resource Management Board web site.

For information on the Statewide Planning Program's website contact Kim A. Gelfuso at (401) 222-5764, . kimgo@lori.state.ri.us

STAFF NEWS

George Johnson, Assistant Chief of the Statewide Planning Program, celebrated 28 years in state service on March 22, 2004. He is now eligible for retirement.

Mansuet J. Guisti, Supervising Draftsperson, celebrated 40 years in state service on February 6, 2004
